

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

JEREMIAH CHRISTAIN PITTMAN,)	
)	
Petitioner,)	
)	
-vs-)	Case No. CIV-21-693-F
)	
STATE OF OKLAHOMA,)	
)	
Respondent.)	

ORDER


Petitioner, Jeremiah Christain Pittman, a state prisoner appearing *pro se*, commenced this action by filing a petition for a writ of habeas corpus under 28 U.S.C. § 2254. The court referred the matter to United States Magistrate Judge Gary M. Purcell for initial proceedings consistent with 28 U.S.C. §§ 636(b)(1)(B) and (C). After examining the § 2254 petition pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts, Magistrate Judge Purcell issued a Report and Recommendation, recommending the court abstain under of Younger v. Harris, 401 U.S. 37 (1971), and dismiss petitioner's § 2254 petition without prejudice.

Magistrate Judge Purcell advised petitioner of his right to file an objection to the Report and Recommendation by September 16, 2021, and further advised petitioner that failure to timely object would waive appellate review of the recommended ruling. To date, petitioner has neither filed an objection to the Report and Recommendation nor sought an extension of time to file one. With no objection being filed within the time prescribed by Magistrate Judge Purcell, the court accepts, adopts, and affirms the recommended ruling in its entirety.

Rule 11(a) of the Rules Governing Section 2254 Cases in the United States District Courts requires the court to issue or deny a certificate of appealability when it enters a final order adverse to the petitioner. When, as here, the court's adverse decision rests on procedural grounds, the court will not issue a certificate of appealability unless the petitioner shows: "[(1)] that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right; and [(2)] that jurists of reason would find it debatable whether the district court was correct in its procedural ruling." Slack v. McDaniel, 529 U.S. 473, 484 (2000). The court, upon review, finds that petitioner cannot make the required showing. Therefore, the court denies a certificate of appealability.

Accordingly, the Report and Recommendation issued by United States Magistrate Judge Gary M. Purcell on August 27, 2021 (doc. no. 8) is **ACCEPTED**, **ADOPTED** and **AFFIRMED**. The Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2254 (doc. no. 1) filed by petitioner, Jeremiah Christain Pittman, is **DISMISSED WITHOUT PREJUDICE**. A certificate of appealability is **DENIED**.

IT IS SO ORDERED this 26th day of October, 2021.


STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE